

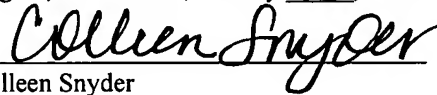
DOCKET NO: **D0188.70131US01**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Darois *et al.*
Serial No: 10/806,732
Confirmation No: Not yet assigned
Filed: March 23, 2004
For: PROSTHETIC REPAIR FABRIC
Examiner: Not yet assigned
Art Unit: Not yet assigned

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on May 13, 2004.


Colleen Snyder

Commissioner for Patents
Washington, D.C. 20231

**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed within three months of the filing date of a National Application other than a continued prosecution application under 37 C.F.R. §1.53(d). No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application. The Applicant invites the Examiner to review and consider the prosecution of these applications. Copies of these applications are not provided as they were previously submitted in prior application, Serial No. 10/143,564, filed May 10, 2002, and relied upon for an earlier filing date under 35 U.S.C. § 120.

<u>Serial No.</u>	<u>Filing Date</u>	<u>Title of Application</u>
09/661,623	September 14, 2000	IMPLANTABLE PROSTHESIS
10/143,746	May 10, 2002	PROSTHETIC REPAIR FABRIC WITH EROSION RESISTANT EDGE
10/143,743	May 10, 2002	PROSTHETIC REPAIR FABRIC

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

EP 0 719 527 (Sgro) corresponds to U.S. Patent No. 5,697,978, cited herein.

PART IV: Remarks

Documents cited on the attached form PTO-1449 (modified) are enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).


By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By:



James M. Hanifin, Jr., Reg. No. 39,213
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210
Telephone (617) 720-3500

Date: May 13, 2004
x05/23/04



FORM PTO-1449/A and B (Rev. 11-2003) INFORMATION DISCLOSURE STATEMENT BY APPLICANT		APPLICATION NO.: 10/806,732	DOCKET NO.: D0188.70131US01
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		GROUP ART UNIT: Not Yet Assigned	EXAMINER: Not Yet Assigned
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U.S. PATENT DOCUMENTS

Examiner's Initials#	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYY
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		3,875,928*		Angelchik	04/08/1975
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Examiner's Initials#	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
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Examiner's Initials#	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
		EP	0 719 527*	A1	Sgro	07/03/1996	
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OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials#	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
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		CARLSON et al., "Polypropylene Mesh Reinforced Hiatus Hernia Repair," 112(4) <i>Gastroenterology</i> (April 1997).*	
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		PAUL, et al., "Laparoscopic tension-free repair of large paraesophageal hernias", <i>Surg Endosc.</i> , 1997, pp. 303-307, vol. 11.*	
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EXAMINER	DATE CONSIDERED
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 10,143,564, filed May 10, 2002, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - Must provide a copy of any patent, publication, other information listed, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]